

# SENATE BILL NO. 996

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

3306S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 568.045, RSMo, and to enact in lieu thereof one new section relating to the offense of endangering the welfare of a child, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 568.045, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 568.045,  
3 to read as follows:

568.045. 1. A person commits the offense of  
2 endangering the welfare of a child in the first degree if he  
3 or she:

4 (1) Knowingly acts in a manner that creates a  
5 substantial risk to the life, body, or health of a child  
6 less than seventeen years of age; [or]

7 (2) Knowingly engages in sexual conduct with a person  
8 under the age of seventeen years over whom the person is a  
9 parent, guardian, or otherwise charged with the care and  
10 custody;

11 (3) Knowingly encourages, aids, or causes a child less  
12 than seventeen years of age to engage in any conduct which  
13 violates the provisions of chapter 579;

14 (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures [ , ]  
17 or attempts to manufacture, compounds, possesses, produces,

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 prepares, sells, transports, tests, or analyzes amphetamine  
19 or methamphetamine or any of their analogues; or

20       **(5) Knowingly fails to secure a readily available**  
21 **firearm, as defined in section 571.010, in the presence of a**  
22 **child under seventeen years of age or in a residence where a**  
23 **child under seventeen years of age resides. For the**  
24 **purposes of this subdivision, the term "secure" means**  
25 **storing a firearm in a locked safe, cabinet, gun vault, or**  
26 **storage case or using a firearm locking device. It shall**  
27 **not be an affirmative defense under this subdivision if the**  
28 **offense results in the death of a child and the death is**  
29 **determined to be the result of a suicide.**

30       2. The offense of endangering the welfare of a child  
31 in the first degree is a class D felony unless the offense:

32       (1) Is committed as part of an act or series of acts  
33 performed by two or more persons as part of an established  
34 or prescribed pattern of activity, or where physical injury  
35 to the child results, or the offense is a second or  
36 subsequent offense under this section, in which case the  
37 offense is a class C felony;

38       (2) Results in serious physical injury to the child,  
39 in which case the offense is a class B felony; or

40       (3) Results in the death of a child, in which case the  
41 offense is a class A felony.

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